

ASSEMBLY BILL

No. 507

Introduced by Assembly Member Daucher

February 16, 2005

An act to add Chapter 3.34 (commencing with Section 1596.55) to Division 2 of the Health and Safety Code, and to amend Section 11105 of the Penal Code, relating to criminal history checks.

LEGISLATIVE COUNSEL'S DIGEST

AB 507, as introduced, Daucher. Criminal history checks: health studio child care providers.

Existing law authorizes a child care provider, as defined, and any person providing in-home educational or counseling services to a minor who possesses any one of 4 identification cards to initiate a background examination process by submitting 2 sets of fingerprints and a completed trustline application to the Department of Justice. Existing law requires the State Department of Social Services to establish a trustline registry and, upon submission of the trustline application and fingerprints, to enter into the trustline registry the provider's name and other specified information.

For a person 18 years of age or older who applies to be employed by or volunteer at a health studio and whose regular duties would be to provide care for or supervision of a child, this bill would require a health studio to obtain state and federal summary criminal history information and request subsequent arrest notification from the Department of Justice before that person may begin employment or begin volunteering.

For a person 18 years of age or older who is, on January 1, 2006, already employed by or volunteering at a health studio and whose regular duties are to provide care for or direct supervision of a child,

the bill would require a health studio to, by December 31, 2006, obtain state and federal summary criminal history information from the Department of Justice and request subsequent arrest notification.

The bill would require that a person under 18 years of age whose regular duties are to care for children as an employee or volunteer within the health studio's child day care center be supervised by a person who is 18 years of age or older for whom the health studio has obtained state and federal summary criminal history information and requested subsequent arrest notification.

The bill would require a health studio facility to display a notice that is visible to persons when dropping off or picking up children, containing a statement that, effective December 31, 2006, the health studio has requested state and federal summary criminal history information from the Department of Justice for all employees and volunteers of the facility who are 18 years of age or older and whose regular duties are to provide care for or directly supervise any child on behalf of or at the health studio. The bill would also require the notice to contain a statement that health studio members may request additional information from the health studio.

The bill would require a health studio, when entering or renewing a membership contract with a person, to offer that person a notice describing the health studio's child care policy, including the health studio's policy with respect to employing or accepting as a volunteer a person who has a criminal history.

Existing law requires the Department of Justice to furnish various agencies and entities with a person's state summary criminal history information when that information is used for employment, licensing, or certification purposes, and permits the department to furnish that information, upon a showing of a compelling need, to specified entities.

The bill would require the Department of Justice to provide to the health studio state and federal summary criminal history information and to charge a fee sufficient to cover the cost of processing the request.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Chapter 3.34 (commencing with Section
2 1596.55) is added to Division 2 of the Health and Safety Code, to
3 read:

4
5 CHAPTER 3.34. CRIMINAL RECORD CLEARANCES FOR
6 HEALTH STUDIO CHILD CARE PROVIDERS
7

8 1596.55. (a) For a person 18 years of age or older who
9 applies to be employed by or volunteer at a health studio and
10 whose regular duties would be to provide care for or direct
11 supervision of a child, a health studio shall obtain state and
12 federal summary criminal history information from the
13 Department of Justice pursuant to subdivision (f), and shall
14 request subsequent arrest notification pursuant to subdivision (g)
15 before that person may begin employment or begin volunteering.

16 (b) For a person 18 years of age or older who is, on January 1,
17 2006, already employed by or volunteering at a health studio and
18 whose regular duties are to provide care for or direct supervision
19 of a child, a health studio shall, by December 31, 2006, obtain
20 state and federal summary criminal history information from the
21 Department of Justice pursuant to subdivision (f), and shall
22 request subsequent arrest notification pursuant to subdivision (g).

23 (c) A health studio facility that provides care for or
24 supervision of children shall display a notice that is visible to
25 persons when dropping off or picking up children. The notice
26 shall contain a statement that, effective December 31, 2006, the
27 health studio has requested state and federal summary criminal
28 history information from the Department of Justice for all
29 employees and volunteers of the facility who are 18 years of age
30 or older and whose regular duties are to provide care for or
31 directly supervise any child on behalf of or at the health studio.
32 The notice shall also contain a statement that health studio
33 members may request additional information from the health
34 studio.

35 (d) When entering or renewing a membership contract with a
36 person, a health studio shall offer to that person a notice, separate
37 from the contract, describing the health studio's child care policy,
38 including, but not limited to, the health studio's policy with

1 respect to employing or accepting as a volunteer a person
2 described in subdivision (a) or (b) who has a criminal history.

3 (e) Any person under 18 years of age whose regular duties are
4 to care for children as an employee or volunteer within the health
5 studio's child day care center shall be supervised by a person
6 who is 18 years of age or older for whom the health studio has
7 obtained state and federal summary criminal history information
8 and requested subsequent arrest notification pursuant to this
9 section.

10 (f) (1) A health studio shall submit to the Department of
11 Justice fingerprint images and related information required by the
12 Department of Justice for any person described in subdivision (a)
13 or (b) for the purposes of obtaining information as to the
14 existence and content of a record of state or federal convictions,
15 and also information as to the existence and content of a record
16 of state or federal arrests for which the Department of Justice
17 establishes that the person is free on bail or on his or her own
18 recognizance pending trial or appeal.

19 (2) The Department of Justice shall forward requests for
20 federal summary criminal history information to the Federal
21 Bureau of Investigation. The Department of Justice shall review
22 the information returned from the Federal Bureau of
23 Investigation and compile and disseminate a fitness
24 determination to the health studio.

25 (3) The Department of Justice shall respond to the health
26 studio pursuant to paragraph (1) of subdivision (n) of Section
27 11105 of the Penal Code.

28 (4) The Department of Justice shall charge a fee sufficient to
29 cover the cost of processing the request described in paragraph
30 (1).

31 (g) A health studio shall request from the Department of
32 Justice subsequent arrest notification service, as provided
33 pursuant to Section 11105.2 of the Penal Code, for persons
34 described in subdivisions (a) and (b).

35 (h) For purposes of this section, "health studio" means any
36 facility described in Section 1812.81 of the Civil Code.

37 SEC. 2. Section 11105 of the Penal Code is amended to read:

38 11105. (a) (1) The Department of Justice shall maintain state
39 summary criminal history information.

40 (2) As used in this section:

1 (A) "State summary criminal history information" means the
2 master record of information compiled by the Attorney General
3 pertaining to the identification and criminal history of any
4 person, such as name, date of birth, physical description,
5 fingerprints, photographs, date of arrests, arresting agencies and
6 booking numbers, charges, dispositions, and similar data about
7 the person.

8 (B) "State summary criminal history information" does not
9 refer to records and data compiled by criminal justice agencies
10 other than the Attorney General, nor does it refer to records of
11 complaints to or investigations conducted by, or records of
12 intelligence information or security procedures of, the office of
13 the Attorney General and the Department of Justice.

14 (b) The Attorney General shall furnish state summary criminal
15 history information to any of the following, if needed in the
16 course of their duties, provided that when information is
17 furnished to assist an agency, officer, or official of state or local
18 government, a public utility, or any other entity, in fulfilling
19 employment, certification, or licensing duties, Chapter 1321 of
20 the Statutes of 1974 and Section 432.7 of the Labor Code shall
21 apply:

22 (1) The courts of the state.

23 (2) Peace officers of the state as defined in Section 830.1,
24 subdivisions (a) and (e) of Section 830.2, subdivision (a) of
25 Section 830.3, subdivisions (a) and (b) of Section 830.5, and
26 subdivision (a) of Section 830.31.

27 (3) District attorneys of the state.

28 (4) Prosecuting city attorneys of any city within the state.

29 (5) Probation officers of the state.

30 (6) Parole officers of the state.

31 (7) A public defender or attorney of record when representing
32 a person in proceedings upon a petition for a certificate of
33 rehabilitation and pardon pursuant to Section 4852.08.

34 (8) A public defender or attorney of record when representing
35 a person in a criminal case and if authorized access by statutory
36 or decisional law.

37 (9) Any agency, officer, or official of the state if the criminal
38 history information is required to implement a statute or
39 regulation that expressly refers to specific criminal conduct
40 applicable to the subject person of the state summary criminal

1 history information, and contains requirements or exclusions, or
2 both, expressly based upon that specified criminal conduct. The
3 agency, officer, or official of the state authorized by this
4 paragraph to receive state summary criminal history information
5 may also transmit fingerprint images and related information to
6 the Department of Justice to be transmitted to the Federal Bureau
7 of Investigation.

8 (10) Any city or county, or city and county, or district, or any
9 officer, or official thereof if access is needed in order to assist
10 that agency, officer, or official in fulfilling employment,
11 certification, or licensing duties, and if the access is specifically
12 authorized by the city council, board of supervisors, or governing
13 board of the city, county, or district if the criminal history
14 information is required to implement a statute, ordinance, or
15 regulation that expressly refers to specific criminal conduct
16 applicable to the subject person of the state summary criminal
17 history information, and contains requirements or exclusions, or
18 both, expressly based upon that specified criminal conduct. The
19 city or county, or city and county, or district, or the officer or
20 official thereof authorized by this paragraph may also transmit
21 fingerprint images and related information to the Department of
22 Justice to be transmitted to the Federal Bureau of Investigation.

23 (11) The subject of the state summary criminal history
24 information under procedures established under Article 5
25 (commencing with Section 11120) of Chapter 1 of Title 1 of Part
26 4.

27 (12) Any person or entity when access is expressly authorized
28 by statute if the criminal history information is required to
29 implement a statute or regulation that expressly refers to specific
30 criminal conduct applicable to the subject person of the state
31 summary criminal history information, and contains requirements
32 or exclusions, or both, expressly based upon that specified
33 criminal conduct.

34 (13) Health officers of a city, county, or city and county, or
35 district, when in the performance of their official duties enforcing
36 Section 120175 of the Health and Safety Code.

37 (14) Any managing or supervising correctional officer of a
38 county jail or other county correctional facility.

39 (15) Any humane society, or society for the prevention of
40 cruelty to animals, for the specific purpose of complying with

1 Section 14502 of the Corporations Code for the appointment of
2 level 1 humane officers.

3 (16) Local child support agencies established by Section
4 17304 of the Family Code. When a local child support agency
5 closes a support enforcement case containing summary criminal
6 history information, the agency shall delete or purge from the file
7 and destroy any documents or information concerning or arising
8 from offenses for or of which the parent has been arrested,
9 charged, or convicted, other than for offenses related to the
10 parent's having failed to provide support for minor children,
11 consistent with the requirements of Section 17531 of the Family
12 Code.

13 (17) County child welfare agency personnel who have been
14 delegated the authority of county probation officers to access
15 state summary criminal history information pursuant to Section
16 272 of the Welfare and Institutions Code for the purposes
17 specified in Section 16504.5 of the Welfare and Institutions
18 Code. Information from criminal history records provided
19 pursuant to this subdivision shall not be used for any purposes
20 other than those specified in this section and Section 16504.5 of
21 the Welfare and Institutions Code. When an agency obtains
22 records obtained both on the basis of name checks and
23 fingerprint checks, final placement decisions shall be based only
24 on the records obtained pursuant to the fingerprint check.

25 (c) The Attorney General may furnish state summary criminal
26 history information upon a showing of a compelling need to any
27 of the following, provided that when information is furnished to
28 assist an agency, officer, or official of state or local government,
29 a public utility, or any other entity, in fulfilling employment,
30 certification, or licensing duties, Chapter 1321 of the Statutes of
31 1974 and Section 432.7 of the Labor Code shall apply:

32 (1) Any public utility as defined in Section 216 of the Public
33 Utilities Code that operates a nuclear energy facility when access
34 is needed in order to assist in employing persons to work at the
35 facility, provided that, if the Attorney General supplies the data,
36 he or she shall furnish a copy of the data to the person to whom
37 the data relates.

38 (2) To a peace officer of the state other than those included in
39 subdivision (b).

40 (3) To a peace officer of another country.

1 (4) To public officers (other than peace officers) of the United
2 States, other states, or possessions or territories of the United
3 States, provided that access to records similar to state summary
4 criminal history information is expressly authorized by a statute
5 of the United States, other states, or possessions or territories of
6 the United States if the information is needed for the
7 performance of their official duties.

8 (5) To any person when disclosure is requested by a probation,
9 parole, or peace officer with the consent of the subject of the
10 state summary criminal history information and for purposes of
11 furthering the rehabilitation of the subject.

12 (6) The courts of the United States, other states, or territories
13 or possessions of the United States.

14 (7) Peace officers of the United States, other states, or
15 territories or possessions of the United States.

16 (8) To any individual who is the subject of the record
17 requested if needed in conjunction with an application to enter
18 the United States or any foreign nation.

19 (9) Any public utility as defined in Section 216 of the Public
20 Utilities Code, if access is needed in order to assist in employing
21 current or prospective employees who in the course of their
22 employment may be seeking entrance to private residences. The
23 information provided shall be limited to the record of convictions
24 and any arrest for which the person is released on bail or on his
25 or her own recognizance pending trial.

26 If the Attorney General supplies the data pursuant to this
27 paragraph, the Attorney General shall furnish a copy of the data
28 to the current or prospective employee to whom the data relates.

29 Any information obtained from the state summary criminal
30 history is confidential and the receiving public utility shall not
31 disclose its contents, other than for the purpose for which it was
32 acquired. The state summary criminal history information in the
33 possession of the public utility and all copies made from it shall
34 be destroyed not more than 30 days after employment or
35 promotion or transfer is denied or granted, except for those cases
36 where a current or prospective employee is out on bail or on his
37 or her own recognizance pending trial, in which case the state
38 summary criminal history information and all copies shall be
39 destroyed not more than 30 days after the case is resolved.

1 A violation of this paragraph is a misdemeanor, and shall give
2 the current or prospective employee who is injured by the
3 violation a cause of action against the public utility to recover
4 damages proximately caused by the violations. Any public
5 utility's request for state summary criminal history information
6 for purposes of employing current or prospective employees who
7 may be seeking entrance to private residences in the course of
8 their employment shall be deemed a "compelling need" as
9 required to be shown in this subdivision.

10 Nothing in this section shall be construed as imposing any duty
11 upon public utilities to request state summary criminal history
12 information on any current or prospective employees.

13 (10) To any campus of the California State University or the
14 University of California, or any four-year college or university
15 accredited by a regional accreditation organization approved by
16 the United States Department of Education, if needed in
17 conjunction with an application for admission by a convicted
18 felon to any special education program for convicted felons,
19 including, but not limited to, university alternatives and halfway
20 houses. Only conviction information shall be furnished. The
21 college or university may require the convicted felon to be
22 fingerprinted, and any inquiry to the department under this
23 section shall include the convicted felon's fingerprints and any
24 other information specified by the department.

25 (d) Whenever an authorized request for state summary
26 criminal history information pertains to a person whose
27 fingerprints are on file with the Department of Justice and the
28 department has no criminal history of that person, and the
29 information is to be used for employment, licensing, or
30 certification purposes, the fingerprint card accompanying the
31 request for information, if any, may be stamped "no criminal
32 record" and returned to the person or entity making the request.

33 (e) Whenever state *or federal* summary criminal history
34 information is furnished as the result of an application and is to
35 be used for employment, licensing, or certification purposes, the
36 Department of Justice may charge the person or entity making
37 the request a fee that it determines to be sufficient to reimburse
38 the department for the cost of furnishing the information. In
39 addition, the Department of Justice may add a surcharge to the
40 fee to fund maintenance and improvements to the systems from

1 which the information is obtained. Notwithstanding any other
2 law, any person or entity required to pay a fee to the department
3 for information received under this section may charge the
4 applicant a fee sufficient to reimburse the person or entity for this
5 expense. All moneys received by the department pursuant to this
6 section, Sections 11105.3 and 12054 of the Penal Code, and
7 Section 13588 of the Education Code shall be deposited in a
8 special account in the General Fund to be available for
9 expenditure by the department to offset costs incurred pursuant to
10 those sections and for maintenance and improvements to the
11 systems from which the information is obtained upon
12 appropriation by the Legislature.

13 (f) Whenever there is a conflict, the processing of criminal
14 fingerprints and fingerprints of applicants for security guard or
15 alarm agent registrations or firearms qualification permits
16 submitted pursuant to Section 7583.9, 7583.23, 7596.3, or 7598.4
17 of the Business and Professions Code shall take priority over the
18 processing of other applicant fingerprints.

19 (g) It is not a violation of this section to disseminate statistical
20 or research information obtained from a record, provided that the
21 identity of the subject of the record is not disclosed.

22 (h) It is not a violation of this section to include information
23 obtained from a record in (1) a transcript or record of a judicial or
24 administrative proceeding or (2) any other public record if the
25 inclusion of the information in the public record is authorized by
26 a court, statute, or decisional law.

27 (i) Notwithstanding any other law, the Department of Justice
28 or any state or local law enforcement agency may require the
29 submission of fingerprints for the purpose of conducting
30 summary criminal history information checks that are authorized
31 by law.

32 (j) The state summary criminal history information shall
33 include any finding of mental incompetence pursuant to Chapter
34 6 (commencing with Section 1367) of Title 10 of Part 2 arising
35 out of a complaint charging a felony offense specified in Section
36 290.

37 (k) (1) This subdivision shall apply whenever state or federal
38 summary criminal history information is furnished by the
39 Department of Justice as the result of an application by an
40 authorized agency or organization and the information is to be

1 used for peace officer employment or certification purposes. As
2 used in this subdivision, a peace officer is defined in Chapter 4.5
3 (commencing with Section 830) of Title 3 of Part 2.

4 (2) Notwithstanding any other provision of law, whenever
5 state summary criminal history information is furnished pursuant
6 to paragraph (1), the Department of Justice shall disseminate the
7 following information:

8 (A) Every conviction rendered against the applicant.

9 (B) Every arrest for an offense for which the applicant is
10 presently awaiting trial, whether the applicant is incarcerated or
11 has been released on bail or on his or her own recognizance
12 pending trial.

13 (C) Every arrest or detention, except for an arrest or detention
14 resulting in an exoneration, provided however that where the
15 records of the Department of Justice do not contain a disposition
16 for the arrest, the Department of Justice first makes a genuine
17 effort to determine the disposition of the arrest.

18 (D) Every successful diversion.

19 (I) (1) This subdivision shall apply whenever state or federal
20 summary criminal history information is furnished by the
21 Department of Justice as the result of an application by a criminal
22 justice agency or organization as defined in Section 13101 of the
23 Penal Code, and the information is to be used for criminal justice
24 employment, licensing, or certification purposes.

25 (2) Notwithstanding any other provision of law, whenever
26 state summary criminal history information is furnished pursuant
27 to paragraph (1), the Department of Justice shall disseminate the
28 following information:

29 (A) Every conviction rendered against the applicant.

30 (B) Every arrest for an offense for which the applicant is
31 presently awaiting trial, whether the applicant is incarcerated or
32 has been released on bail or on his or her own recognizance
33 pending trial.

34 (C) Every arrest for an offense for which the records of the
35 Department of Justice do not contain a disposition or did not
36 result in a conviction, provided that the Department of Justice
37 first makes a genuine effort to determine the disposition of the
38 arrest. However, information concerning an arrest shall not be
39 disclosed if the records of the Department of Justice indicate or if
40 the genuine effort reveals that the subject was exonerated,

1 successfully completed a diversion or deferred entry of judgment
2 program, or the arrest was deemed a detention.

3 (m) (1) This subdivision shall apply whenever state or federal
4 summary criminal history information is furnished by the
5 Department of Justice as the result of an application by an
6 authorized agency or organization pursuant to Section 1522,
7 1568.09, 1569.17, or 1596.871 of the Health and Safety Code, or
8 any statute that incorporates the criteria of any of those sections
9 or this subdivision by reference, and the information is to be used
10 for employment, licensing, or certification purposes.

11 (2) Notwithstanding any other provision of law, whenever
12 state summary criminal history information is furnished pursuant
13 to paragraph (1), the Department of Justice shall disseminate the
14 following information:

15 (A) Every conviction of an offense rendered against the
16 applicant.

17 (B) Every arrest for an offense for which the applicant is
18 presently awaiting trial, whether the applicant is incarcerated or
19 has been released on bail or on his or her own recognizance
20 pending trial.

21 (C) Every arrest for an offense for which the Department of
22 Social Services is required by paragraph (1) of subdivision (a) of
23 Section 1522 of the Health and Safety Code to determine if an
24 applicant has been arrested. However, if the records of the
25 Department of Justice do not contain a disposition for an arrest,
26 the Department of Justice shall first make a genuine effort to
27 determine the disposition of the arrest.

28 (3) Notwithstanding the requirements of the sections
29 referenced in paragraph (1) of this subdivision, the Department
30 of Justice shall not disseminate information about an arrest
31 subsequently deemed a detention or an arrest that resulted in
32 either the successful completion of a diversion program or
33 exoneration.

34 (n) (1) This subdivision shall apply whenever state or federal
35 summary criminal history information is furnished by the
36 Department of Justice as the result of an application by an
37 authorized agency, organization, or individual pursuant to
38 Section 11105.3 or 11105.4 ~~of this code~~, Section 1596.55 *of the*
39 *Health and Safety Code*, Section 15660 of the Welfare and
40 Institutions Code, or any statute that incorporates the criteria of

1 any of those sections or this subdivision by reference, and the
2 information is to be used for employment, licensing, or
3 certification purposes.

4 (2) With the exception of applications submitted by
5 transportation companies authorized pursuant to Section 11105.3,
6 and notwithstanding any other provision of law, whenever state
7 summary criminal history information is furnished pursuant to
8 paragraph (1), the Department of Justice shall disseminate the
9 following information:

10 (A) Every conviction rendered against the applicant for a
11 violation or attempted violation of any offense specified in
12 subdivision (a) of Section 15660 of the Welfare and Institutions
13 Code. However, with the exception of those offenses for which
14 registration is required pursuant to Section 290, the Department
15 of Justice shall not disseminate information pursuant to this
16 subdivision unless the conviction occurred within 10 years of the
17 date of the agency's request for information or the conviction is
18 over 10 years old but the subject of the request was incarcerated
19 within 10 years of the agency's request for information.

20 (B) Every arrest for a violation or attempted violation of an
21 offense specified in subdivision (a) of Section 15660 of the
22 Welfare and Institutions Code for which the applicant is
23 presently awaiting trial, whether the applicant is incarcerated or
24 has been released on bail or on his or her own recognizance
25 pending trial.

26 (o) (1) This subdivision shall apply whenever state or federal
27 summary criminal history information is furnished by the
28 Department of Justice as the result of an application by an
29 authorized agency or organization pursuant to Section 261 or
30 777.5 of the Financial Code, or any statute that incorporates the
31 criteria of either of those sections or this subdivision by
32 reference, and the information is to be used for employment,
33 licensing, or certification purposes.

34 (2) Notwithstanding any other provision of law, whenever
35 state summary criminal history information is furnished pursuant
36 to paragraph (1), the Department of Justice shall disseminate the
37 following information:

38 (A) Every conviction rendered against the applicant for a
39 violation or attempted violation of any offense specified in
40 Section 777.5 of the Financial Code.

1 (B) Every arrest for a violation or attempted violation of an
2 offense specified in Section 777.5 of the Financial Code for
3 which the applicant is presently awaiting trial, whether the
4 applicant is incarcerated or has been released on bail or on his or
5 her own recognizance pending trial.

6 (p) (1) This subdivision shall apply whenever state or federal
7 criminal history information is furnished by the Department of
8 Justice as the result of an application by an agency, organization,
9 or individual not defined in subdivision (k), (l), (m), (n), or (o),
10 or by a transportation company authorized pursuant to Section
11 11105.3, or any statute that incorporates the criteria of that
12 section or this subdivision by reference, and the information is to
13 be used for employment, licensing, or certification purposes.

14 (2) Notwithstanding any other provisions of law, whenever
15 state summary criminal history information is furnished pursuant
16 to paragraph (1), the Department of Justice shall disseminate the
17 following information:

18 (A) Every conviction rendered against the applicant.

19 (B) Every arrest for an offense for which the applicant is
20 presently awaiting trial, whether the applicant is incarcerated or
21 has been released on bail or on his or her own recognizance
22 pending trial.

23 (q) All agencies, organizations, or individuals defined in
24 subdivisions (k), (l), (m), (n), (o), and (p) may contract with the
25 Department of Justice for subsequent arrest notification pursuant
26 to Section 11105.2. This subdivision shall not supersede sections
27 that mandate an agency, organization, or individual to contract
28 with the Department of Justice for subsequent arrest notification
29 pursuant to Section 11105.2.

30 (r) Nothing in this section shall be construed to mean that the
31 Department of Justice shall cease compliance with any other
32 statutory notification requirements.

33 (s) The provisions of Section 50.12 of Title 28 of the Code of
34 Federal Regulations are to be followed in processing federal
35 criminal history information.